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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,447	04/28/2000	YOSHINORI KAMI	01165.0782	6878

22852 7590 04/05/2006

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EXAMINER

PATTERSON, MARC A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,447

Applicant(s)

KAMI ET AL.

Examiner

Marc A. Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

WITHDRAWN REJECTIONS

1. The 35 U.S.C. 112, first paragraph rejection of Claims 9 – 20, of record on page 2 of the previous Action, is withdrawn.

REPEATED REJECTIONS

2. The 35 U.S.C. 103(a) rejection of Claims 10 – 11, 13, 15 and 17 – 21 as being unpatentable over Toray Industries (Japanese Patent No. 0790747), of record on page 2 of the previous Action, is repeated.
3. The 35 U.S.C. 103(a) rejection of Claims 9, 14 and 16 as being unpatentable over Toray Industries (Japanese Patent No. 0790747) in view of Smith et al (U.S. Patent No. 5,378,019), of record on page 2 of the previous Action, is repeated.
4. The 35 U.S.C. 103(a) rejection of Claim 12 as being unpatentable over Toray Industries (Japanese Patent No. 0790747) in view of Mizuki et al (U.S. Patent No. 5,637,385), of record on page 2 of the previous Action, is repeated.

ANSWERS TO APPLICANT'S ARGUMENTS

5. Applicant's arguments regarding the 35 U.S.C. 112, first paragraph rejection of Claims 9 – 20, of record in the previous Action, have been considered and have been found to be persuasive. The rejection is therefore withdrawn.

Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 10 – 11, 13, 15 and 17 – 21 as being unpatentable over Toray Industries (Japanese Patent No. 0790747), 35 U.S.C. 103(a) rejection of Claims 9, 14 and 16 as being unpatentable over Toray Industries (Japanese Patent No. 0790747) in view of Smith et al (U.S. Patent No. 5,378,019) and 35 U.S.C. 103(a) rejection of Claim 12 as being unpatentable over Toray Industries (Japanese Patent No. 0790747) in view of Mizuki et al (U.S. Patent No. 5,637,385), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 6 of the remarks dated June 30, 2005, that one of ordinary skill in the art would not be led by Toray to employ yarns having fineness of less than 210 denier, because Toray teaches yarns which preferably have a fineness of at least 210 denier.

However, even if a fineness of 210 denier is the preferred value of Toray, Toray does not does not limit the fineness to only greater than 210 denier; therefore, one of ordinary skill in the art would not be taught away from selecting a fineness which is less than 210 denier depending on the desired properties of the end product.

Applicant also argues, on page 7, that the value of fabric strength at break which Toray discloses is larger than the range of the present invention, because Toray employs fiber yarns having a total fineness of greater than 210 denier; therefore, Applicant argues, one of ordinary skill in the art would not have derived the claimed fabric strength at break.

However, as stated above, one of ordinary skill in the art would not be taught away from selecting a fineness which is less than 210 denier, and therefore a corresponding fabric strength at break, depending on the desired properties of the end product.

Applicant also argues, on page 7, that Toray does not disclose a tensile work at break or load at 15% tensile elongation and does not recognize tensile work at break or load at 15% tensile elongation as important parameters for an air bag; these properties, one of ordinary skill in the art, Applicant argues, would not have been led by Toray to optimize tensile work at break or load at 15% tensile elongation.

However, Toray discloses a tensile strength, as stated on page 2 of the previous Action; and therefore discloses that tensile strength is an important parameter for an air bag, and one of ordinary skill in the art would therefore be motivated to optimize tensile strength; furthermore, because tensile strength is measured by the load required to break the fabric, the tensile work at break and load at 15% tensile elongation are dependent on strength. The optimization of tensile strength is therefore also an optimization of tensile work at break and load at 15% tensile elongation.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497.

The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 8/3/06
Marc A. Patterson, PhD.
Primary Examiner
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